

IN THE UNITED STATES DISTRICT COURT  
IN THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
CIVIL ACTION NO. 5:12-CV-00636-BR

WESTCHESTER SURPLUS LINES  
INSURANCE COMPANY,

Plaintiff,

vs.

CLANCY & THEYS CONSTRUCTION  
COMPANY,

Defendant.

**PLAINTIFF WESTCHESTER  
SURPLUS LINES INSURANCE  
COMPANY'S NOTICE OF APPEAL**

Notice is hereby given that Plaintiff Westchester Surplus Lines Insurance Company (“Westchester”) hereby appeals to the United States Court of Appeals for the Fourth Circuit from the Order finding Westchester liable to Defendant Clancy & Theys Construction Company (“Clancy”) for breaching the subject insurance policy and awarding damages in Defendant Clancy & Theys Construction Company’s favor in the amount of \$1,746,963.83 (Docket Entry # 218) and from the Judgment entered with respect to that Order (Docket Entry # 219). Westchester further appeals from the Orders granting Clancy’s Third and Fifth Motions *in Limine* and the Order denying Westchester’s First Motion *in Limine*, (Docket Entry # 203). Westchester also appeals from the Order denying its Motion for Summary Judgment as to its request for declaratory judgment and as to Clancy’s breach of contract claim. (Docket Entry # 153).

Westchester files this notice contemporaneously with its motions for post-trial relief filed under Rules 52 and 59 of the Federal Rules of Civil Procedure and asks that this notice of appeal "become effective...when the order disposing of the last such remaining motion is entered." Fed. R. App. P. Rule 4(a)(4)(B)(i).

Respectfully submitted, this the 16<sup>th</sup> day of July 2015.

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## **CERTIFICATE OF SERVICE**

I hereby certify that on July 16, 2015, copies of the foregoing document were served on all counsel of record via the Court's cm/ecf system. Counsel served include:

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